

FEDERAL DUCK STAMP ACT OF 2014

NOVEMBER 17, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 5069]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5069) to amend the Migratory Bird Hunting and Conservation Stamp Act to increase in the price of Migratory Bird Hunting and Conservation Stamps to fund the acquisition of conservation easements for migratory birds, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Duck Stamp Act of 2014".

SEC. 2. INCREASE IN PRICE OF MIGRATORY BIRD HUNTING AND CONSERVATION STAMP TO FUND ACQUISITION OF CONSERVATION EASEMENTS FOR MIGRATORY BIRDS.

The Migratory Bird Hunting and Conservation Stamp Act is amended—

(1) in section 2(b) (16 U.S.C. 718b(b))—

(A) by striking "1990, and" and inserting "1990,;" and

(B) by striking "for each hunting year thereafter" and inserting "for hunting years 1991 through 2013, and \$25 for each hunting year thereafter";

(2) by adding at the end of section 2 (16 U.S.C. 718b) the following:

"(c) REDUCTION IN PRICE OF STAMP.—The Secretary may reduce the price of each stamp sold under the provisions of this section for a hunting year if the Secretary determines that the increase in the price of the stamp after hunting year 2013 resulted in a reduction in revenues deposited into the fund."; and

(3) in section 4 (16 U.S.C. 718d)—

(A) in subsection (a)(3), by inserting before the period the following: ", in which there shall be a subaccount to which the Secretary of the Treasury shall transfer all amounts in excess of \$15 that are received from the sale of each stamp sold for each hunting year after hunting year 2013";

(B) in subsection (b)(1), by striking "So much" and inserting "Except as provided in paragraph (4), so much";

(C) in subsection (b)(2), by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”; and

(D) by adding at the end of subsection (b) the following:

“(4) CONSERVATION EASEMENTS.—Amounts in the subaccount referred to in subsection (a)(3) shall be used by the Secretary solely to acquire easements in real property in the United States for conservation of migratory birds.”.

SEC. 3. ANNUAL REPORT ON EXPENDITURES.

Section 4 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718d) is further amended—

(1) in subsection (c)—

(A) by striking so much as precedes “The Secretary may” and inserting the following:

“(c) PROMOTION OF STAMP SALES.”; and

(B) by striking paragraph (2); and

(2) by adding at the end the following:

“(d) ANNUAL REPORT.—The Secretary shall include in each annual report of the Commission under section 3 of the Migratory Bird Conservation Act (16 U.S.C. 715b)—

“(1) a description of activities conducted under subsection (c) in the year covered by the report;

“(2) an annual assessment of the status of wetlands conservation projects for migratory bird conservation purposes, including a clear and accurate accounting of—

“(A) all expenditures by Federal and State agencies under this section; and

“(B) all expenditures made for fee-simple acquisition of Federal lands in the United States, including the amount paid and acreage of each parcel acquired in each acquisition;

“(3) an analysis of the refuge lands opened, and refuge lands closed, for hunting and fishing in the year covered by the report, including—

“(A) identification of the specific areas in each refuge and the reasons for the closure or opening; and

“(B) a detailed description of each closure including detailed justification for such closure;

“(4) the total number of acres of refuge land open for hunting and fishing, and the total number of acres of refuge land closed for hunting and fishing, in the year covered by the report; and

“(5) a separate report on the hunting and fishing status of those lands added to the system in the year covered by the report.”.

SEC. 4. EXEMPTION FOR TAKINGS BY RURAL ALASKA SUBSISTENCE USERS.

Section 1(a)(2) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)(2)) is amended by striking “or” after the semicolon at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “; or”, and by adding at the end the following:

“(D) by a rural Alaska resident for subsistence uses (as that term is defined in section 803 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3113)).”.

PURPOSE OF THE BILL

The purpose of H.R. 5069 is to amend the Migratory Bird Hunting and Conservation Stamp Act to increase the price of Migratory Bird Hunting and Conservation Stamps to fund the acquisition of conservation easements for migratory birds.

BACKGROUND AND NEED FOR LEGISLATION

In 1934, Congress passed the Migratory Bird Hunting Stamp Act (16 U.S.C. 718a et seq.). Under this law, all hunters 16 years of age and older must annually purchase and carry a federal duck stamp to hunt migratory waterfowl. The stamp also serves as an entrance pass for any of the 562 national wildlife refuge units which are open to the general public and require an admission fee. The original price of a duck stamp in 1934 was \$1.00. It has been incremen-

tally increased seven times in the past 75 years to its present cost of \$15 which was established in 1991.

Since the inception of the Duck Stamp Program, the Department of the Interior has collected more than \$800 million from the sale of duck stamps. These monies, deposited in the Migratory Bird Conservation Fund, have been used to purchase or lease over 5.6 million acres of wetlands and wildlife habitat for inclusion within the National Wildlife Refuge System subject to the approval of the Migratory Bird Conservation Commission. In fiscal year 2013, the Migratory Bird Conservation Commission approved projects to acquire 7,433 acres of property in fee title and 52,873 acres of conservation easements.

The duck stamp receipts have varied each year because of changes in waterfowl population levels, bag limits and economic conditions. In 2011–2012, 1,517,647 stamps were purchased and \$22.3 million was deposited into the Migratory Bird Conservation Fund. To date, over 130 million federal duck stamps have been purchased by waterfowl hunters, stamp collectors, and wildlife enthusiasts.

Over the past 12 years, the Migratory Bird Conservation Commission has approved the acquisition of 165,862 fee title acres and 448,721 acres of conservation easements. This represents an almost 3 to 1 ratio in non-governmental acquisition which demonstrates that the best way to spend federal duck stamp receipts is through permanent conservation easements. In its fiscal year 2015 budget request, the Fish and Wildlife Service anticipates raising an additional \$14 million each year by raising the price of a federal duck stamp from \$15 to \$25 dollars.

This legislation would increase the price of a federal duck stamp from \$15 to \$25 and stipulates that the increase can only be used for conservation easements in the United States. The bill also requires a comprehensive annual report on expenditures. This report must include all expenditures by federal and state agencies, a description of activities conducted under the program, an inventory of refuge lands open or closed to hunting and fishing, an explanation of why refuge lands are closed and an annual assessment of the state of wetland conservation projects for migratory bird conservation.

COMMITTEE ACTION

H.R. 5069 was introduced on July 10, 2014, by Congressman John Fleming (R-LA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs. On July 23, 2014, the Subcommittee held a hearing on the bill. On July 30, 2014, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs was discharged by unanimous consent. Congressman Fleming offered an amendment designated #1 to the bill; the amendment was adopted by voice vote. Congressman Steve Southerland (R-FL) offered an amendment designated .033 to the bill; the amendment was adopted by voice vote. Congressman Don Young (R-AK) offered an amendment designated #1 to the bill; the amendment was adopted by voice vote. Congressman Paul Broun (R-GA) offered an amendment designated .119 to the bill; the

amendment was adopted by voice vote. No further amendments were offered, and the bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 5069—Federal Duck Stamp Act of 2014

Summary: H.R. 5069 would allow the Department of the Interior (DOI) to raise the price charged for Federal Migratory Bird Hunting and Conservation Stamps (referred to as federal duck stamps). Federal duck stamps are annual permits sold by the federal government to hunt migratory waterfowl. The stamps also allow entry to National Wildlife Refuges that charge entrance fees. Sales proceeds are used to acquire wetlands for inclusion in the National Wildlife Refuge System.

CBO estimates that enacting H.R. 5069 would reduce the deficit by \$5 million over the 2015–2024 period. Collections from the sale of duck stamps are recorded in the budget as revenues, deposited in the Migratory Bird Conservation Fund (MBCF), and later spent. Because the bill would affect direct spending and revenues, pay-as-you-go procedures apply. In addition, we estimate that implementing the bill would have no significant effect on discretionary spending.

H.R. 5069 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

By increasing the annual fee for duck stamps, H.R. 5069 would impose a private-sector mandate, as defined in UMRA, on individuals required to obtain the stamp as a federal permit to hunt migratory waterfowl. Based on information from gaming officials at DOI, CBO estimates that the incremental cost of complying with the mandate would fall well below the annual threshold for private-sector mandates (\$152 million in 2014, adjusted annually for inflation).

Estimated Cost to the Federal Government: The estimated budgetary effect of H.R. 5069 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—											
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2015–2019	2015–2024
CHANGES IN REVENUES												
Estimated Revenues	*	13	13	13	13	13	13	13	14	14	52	119
CHANGES IN DIRECT SPENDING												
Estimated Budget Author- ity	*	13	13	13	13	13	13	13	14	14	52	119
Estimated Outlays	*	8	12	13	13	13	13	13	14	14	47	114
NET INCREASE OR DECREASE (–) IN THE DEFICIT FROM CHANGES IN DIRECT SPENDING AND REVENUES												
Impact on the Deficit	*	–5	–1	0	0	0	0	0	0	0	–5	–5

Note: * = less than \$500,000; components may not sum to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that H.R. 5069 will be enacted near the end of 2014 and that DOI will begin charging higher fees authorized under the bill at the start of the 2015 hunting season (July 2015). Estimated outlays are based on the program’s historical spending pattern.

Revenues

H.R. 5069 would increase the price of federal duck stamps from \$15 to \$25 for an annual permit. Based on information provided by DOI, CBO estimates that federal revenues would increase by \$119 million over the 2015–2024 period. That estimate includes a reduction in the number of stamps sold compared with the number that would be sold at a price of \$15, reflecting CBO’s assessment of the effects of prior stamp price increases.

Direct Spending

As under existing law, additional collections from the sale of duck stamps under the bill would be deposited in the MBCF and would be available to be spent without further appropriation. Amounts collected from the incremental increase in the fee would be available for the acquisition of conservation easements. CBO estimates that enacting the legislation would increase spending from the MBCF by about \$114 million over the 2015–2024 period. In recent years, revenues from duck stamps have provided about \$22 million annually for conservation projects, which usually focus on acquiring habitat.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5069, THE FEDERAL DUCK STAMP ACT OF 2014, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES JULY 30, 2014

	By fiscal year, in millions of dollars—												
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2014–2019	2014–2024
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact Memorandum:	0	0	–5	–1	0	0	0	0	0	0	0	–5	–5
Changes in Outlays ..	0	0	8	12	13	13	13	13	13	14	14	47	114
Changes in Revenues	0	0	13	13	13	13	13	13	13	14	14	52	119

Estimated effect on state, local, and tribal governments: H.R. 5069 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimated effect on the private sector: By increasing the annual fee for duck stamps, which serve as a federal permit that individuals are required to obtain to hunt migratory waterfowl, H.R. 5069 would impose a private-sector mandate on individuals who purchase the stamp as a hunting permit. Based on information from gaming officials at DOT regarding the number of migratory bird hunters, CBO estimates that the fee increase would total about \$13 million annually beginning in 2016. (Some purchases of duck stamps are made voluntarily by conservationists and those purchases would not be considered a mandate under UMRA.) As a result, CBO estimates that the incremental cost of complying with the mandate would fall well below the annual threshold for private-sector mandates (\$152 million in 2014, adjusted annually for inflation).

Previous CBO estimate: On May 2, 2014, CBO transmitted a cost estimate for S. 1865, the Migratory Bird Habitat Investment and Enhancement Act, as ordered reported by the Senate Committee on Environment and Public Works on February 6, 2014. The two bills are similar, and both bills would increase the price of duck stamps from \$15 to \$25. However, S. 1865 would further increase the price of a duck stamp from \$25 to \$30 five years after enactment. The CBO cost estimates reflect that difference.

Estimate prepared by: Federal Costs: Nathaniel Frentz—Revenues, Martin von Gnechten—Spending; Impact on state, local, and tribal governments: Jon Sperl; Impact on the private sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that enacting H.R. 5069 would reduce the deficit by \$5 million over the 2015–2024 period.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Migratory Bird Hunting and Conserva-

tion Stamp Act to increase the price of Migratory Bird Hunting and Conservation Stamps to fund the acquisition of conservation easements for migratory birds.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

MIGRATORY BIRD HUNTING AND CONSERVATION STAMP ACT

SECTION 1. PROHIBITION ON TAKING.

(a) PROHIBITION.—

(1) * * *

(2) EXCEPTION.—No stamp described in paragraph (1) shall be required for the taking of migratory waterfowl—

(A) * * *

(B) for propagation; **[or]**

(C) by the resident owner, tenant, or sharecropper of the property, or officially designated agencies of the Department of the Interior, for the killing, under such restrictions as the Secretary may by regulation prescribe, of such waterfowl when found damaging crops or other property**[.]**, or

(D) by a rural Alaska resident for subsistence uses (as that term is defined in section 803 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3113)).

* * * * *

SEC. 2. SALES; FUND DISPOSITION; UNSOLD STAMPS.

(a) * * *

(b) COST OF STAMPS.—The Postal Service shall collect \$10.00 for each stamp sold under the provisions of this section for hunting years 1987 and 1988, \$12.50 for hunting years 1989 and [1990, and] 1990, \$15.00 [for each hunting year thereafter] for hunting years 1991 through 2013, and \$25 for each hunting year thereafter, if the Secretary determines, at any time before February 1 of the calendar year in which such hunting year begins, that all sums in the Migratory Bird Conservation Fund available for obligation and attributable to—

(1) * * *

* * * * *

(c) REDUCTION IN PRICE OF STAMP.—The Secretary may reduce the price of each stamp sold under the provisions of this section for a hunting year if the Secretary determines that the increase in the price of the stamp after hunting year 2013 resulted in a reduction in revenues deposited into the fund.

* * * * *

SEC. 4. EXPENDITURE OF FUNDS.

(a) IN GENERAL.—All funds received for stamps sold under this Act shall be—

(1) * * *

* * * * *

(3) reserved and set aside as a special fund, to be known as the “Migratory Bird Conservation Fund” (referred to in this section as the “fund”), to be administered by the Secretary, *in which there shall be a subaccount to which the Secretary of the Treasury shall transfer all amounts in excess of \$15 that are received from the sale of each stamp sold for each hunting year after hunting year 2013.*

(b) USE OF FUNDS.—All funds received into the fund are appropriated for the following purposes, to remain available until expended:

(1) ADVANCE ALLOTMENTS.— *[So much] Except as provided in paragraph (4), so much as may be necessary shall be used by the Secretary for engraving, printing, issuing, selling, and accounting for Migratory Bird Hunting and Conservation Stamps and moneys received from the sale thereof, in addition to expenses for personnel services in the District of Columbia and elsewhere, and such other expenses as may be necessary in executing the duties and functions required of the Postal Service.*

(2) AREAS FOR REFUGES.—*Except as provided in [paragraph (3)] paragraphs (3) and (4) and subsection (c), the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act (16 U.S.C. 715*

et seq.) and for the administrative costs incurred in the acquisition of such areas.

* * * * *

(4) CONSERVATION EASEMENTS.—Amounts in the subaccount referred to in subsection (a)(3) shall be used by the Secretary solely to acquire easements in real property in the United States for conservation of migratory birds.

[(c) PROMOTION OF STAMP SALES.—]

[(1) IN GENERAL.—] *(c) PROMOTION OF STAMP SALES.—The Secretary may use funds from the sale of Migratory Bird Hunting and Conservation Stamps, not to exceed \$1,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003, for the promotion of additional sales of those stamps, in accordance with a Migratory Bird Conservation Commission approved annual marketing plan. Such promotion shall include the preparation of reports, brochures, or other appropriate materials to be made available to the public that describe the benefits to wildlife derived from stamp sales.*

[(2) COMPONENTS OF REPORT.—] *The Secretary shall include in each annual report of the Commission under section 3 of the Migratory Bird Conservation Act (16 U.S.C. 715b) a description of activities conducted under this subsection in the year covered by the report.]*

(d) ANNUAL REPORT.—The Secretary shall include in each annual report of the Commission under section 3 of the Migratory Bird Conservation Act (16 U.S.C. 715b)—

(1) a description of activities conducted under subsection (c) in the year covered by the report;

(2) an annual assessment of the status of wetlands conservation projects for migratory bird conservation purposes, including a clear and accurate accounting of—

(A) all expenditures by Federal and State agencies under this section; and

(B) all expenditures made for fee-simple acquisition of Federal lands in the United States, including the amount paid and acreage of each parcel acquired in each acquisition;

(3) an analysis of the refuge lands opened, and refuge lands closed, for hunting and fishing in the year covered by the report, including—

(A) identification of the specific areas in each refuge and the reasons for the closure or opening; and

(B) a detailed description of each closure including detailed justification for such closure;

(4) the total number of acres of refuge land open for hunting and fishing, and the total number of acres of refuge land closed for hunting and fishing, in the year covered by the report; and

(5) a separate report on the hunting and fishing status of those lands added to the system in the year covered by the report.

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